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11 Attorneys for Plaintiff

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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

JEREMY R. WHITELEY,  
Plaintiff,  
vs.

USAA CASUALTY INSURANCE  
COMPANY,  
Defendant.

Case No. 2:24-cv-00138- FLA-MAA  
Assigned to the Honorable Fernando  
L. Aenlle-Rocha

**JEREMY WHITELEY’S NOTICE  
OF CROSS-MOTION AND  
CROSS-MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

*[Filed concurrently with  
Memorandum of Points & Authorities;  
Evidentiary Objections; Responsive  
Separate Statement; Declarations of S.  
Crosner, J Schratz, & J. Whiteley;  
[Proposed] Order]*

Date: March 14, 2025  
Time: 1:30p.m.  
Ctrm: 6B

Complaint Filed on January 5, 2024

1 TO THE ABOVE-ENTITLED COURT AND ATTORNEYS OF RECORD:  
2 PLEASE TAKE NOTICE that on March 14, 2025 at 1:30 p.m., or as soon  
3 thereafter as the matter may be heard in Courtroom 6B of the United States District  
4 Court for the Central District of California, located at 350 West First Street, Los  
5 Angeles, California, Plaintiff Jeremy Whiteley will and does move the Court for an  
6 order granting partial summary judgment establishing that Defendant had a duty to  
7 defend the underlying lawsuit titled *Breaking Code Silence v. McNamara*, Case No.  
8 2:22-cv-002052, in the Central District of California. Plaintiff is entitled to partial  
9 summary judgment regarding Defendant's duty to defend because Defendant has  
10 failed to raise a triable issue of fact and Plaintiff is entitled to judgment as a matter  
11 of law.

12 This motion is made following the conference of counsel pursuant to L.R. 7-3  
13 which took place on December 12, 2024. Declaration of Jessica J. Ross ("Ross  
14 Decl."), ¶ 6.

15 This motion is based on this Notice of Motion and Motion, the attached  
16 Memorandum of Points and Authorities, the concurrently-filed Declarations of  
17 Jeremy Whiteley, Jim Schratz, and Shaun Crosner, Jeremy Whiteley's Statement of  
18 Genuine Disputes and Responsive Statement of Uncontroverted Facts In Support of  
19 His Opposition to USAA's Motion for Summary Judgment and His Cross-Motion  
20 for Partial Summary Judgment, and such other and additional evidence and  
21 argument as may be properly presented in support of the motion.

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DATED: February 14, 2025 McGuireWoods LLP

By: /s/ Shaun H. Crosner  
Shaun H. Crosner  
Attorneys for Plaintiff